

REFERENCE TITLE: **concealed weapons permit; safety course**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2439

Introduced by
Representatives Kavanagh, Ash, Barnes, Gowan: Biggs, Burges, Court, Crump,
McGuire, McLain, Montenegro, Murphy, Quelland, Seel, Williams, Senators
Allen S, Alvarez, Gould, Gray C, Harper, Nelson, Verschoor

AN ACT

AMENDING SECTION 13-3112, ARIZONA REVISED STATUTES; RELATING TO WEAPONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3112, Arizona Revised Statutes, is amended to
3 read:

4 13-3112. Concealed weapons; qualification; application; permit
5 to carry; certificate of firearms proficiency;
6 training program; program instructors; report;
7 applicability; violation; classification

8 A. The department of public safety shall issue a permit to carry a
9 concealed weapon to a person who is qualified under this section. The person
10 shall carry the permit at all times when the person is in actual possession
11 of the concealed weapon and shall present the permit for inspection to any
12 law enforcement officer on request.

13 B. A person who fails to carry the permit at all times that the person
14 is in actual possession of a concealed weapon may have the permit suspended.
15 The department of public safety shall be notified of all violations of this
16 section and shall immediately suspend the permit. The permittee shall
17 present the permit to the law enforcement agency or the court. On
18 notification of the presentation of the permit, the department shall restore
19 the permit.

20 C. The permit of a person who is arrested or indicted for an offense
21 that would make the person unqualified under section 13-3101, subsection A,
22 paragraph 7 or this section shall be immediately suspended and seized. The
23 permit of a person who becomes unqualified on conviction of that offense
24 shall be revoked. The permit shall be restored on presentation of
25 documentation from the court if the permittee is found not guilty or the
26 charges are dismissed. The permit shall be restored on presentation of
27 documentation from the county attorney that the charges against the permittee
28 were dropped or dismissed.

29 D. A permittee who carries a concealed weapon and who fails to present
30 a permit for inspection on the request of a law enforcement officer is guilty
31 of a petty offense. A permittee shall not be convicted of a violation of
32 this subsection if the permittee produces to the court a legible permit that
33 is issued to the permittee and that was valid at the time the violation of
34 this subsection occurred.

35 E. The department of public safety shall issue a permit to an
36 applicant who meets all of the following conditions:

- 37 1. Is a resident of this state or a United States citizen.
- 38 2. Is twenty-one years of age or older.
- 39 3. Is not under indictment for and has not been convicted in any
40 jurisdiction of a felony unless that conviction has been expunged, set aside
41 or vacated or the applicant's rights have been restored and the applicant is
42 currently not a prohibited possessor under state or federal law.
- 43 4. Does not suffer from mental illness and has not been adjudicated
44 mentally incompetent or committed to a mental institution.
- 45 5. Is not unlawfully present in the United States.

1 6. Has ever satisfactorily completed a firearms safety training
2 program authorized by the department of public safety pursuant to subsection
3 0 of this section and provides adequate documentation that the authorized
4 training program was satisfactorily completed. For the purposes of this
5 paragraph, "adequate documentation" means a certificate, card or document of
6 completion from ~~an authorized~~ A firearms safety training program AUTHORIZED
7 pursuant to subsection 0 of this section, dated not more than five years
8 earlier than the date of application, that has affixed to it the stamp,
9 signature or seal of the instructor or organization that conducted the
10 program, or a current or expired permit issued by the department of public
11 safety pursuant to this section. This paragraph does not apply to:

12 (a) A person who is an active duty Arizona peace officer standards and
13 training board certified or federally credentialed peace officer or who is
14 honorably retired as a federal, state or local peace officer with a minimum
15 of ~~ten~~ FIVE years of service.

16 (b) A person who is an active duty county detention officer OR A
17 COMMUNITY CORRECTIONAL OFFICER, SPECIAL INVESTIGATOR OR CORRECTIONAL OFFICER
18 OF THE STATE DEPARTMENT OF CORRECTIONS and who has been weapons certified by
19 the officer's employing agency.

20 (c) A person who is issued a certificate of firearms proficiency
21 pursuant to subsection X of this section.

22 (d) A PERSON WHO MEETS THE REQUIREMENTS PRESCRIBED IN SUBSECTION Y OF
23 THIS SECTION.

24 F. The application shall be completed on a form prescribed by the
25 department of public safety. The form shall not require the applicant to
26 disclose the type of firearm for which a permit is sought. The applicant
27 shall attest under penalty of perjury that all of the statements made by the
28 applicant are true. The applicant shall submit the application to the
29 department with a certificate of completion from an authorized firearms
30 safety training program, two sets of fingerprints and a reasonable fee
31 determined by the director of the department.

32 G. On receipt of a concealed weapon permit application, the department
33 of public safety shall conduct a check of the applicant's criminal history
34 record pursuant to section 41-1750. The department of public safety may
35 exchange fingerprint card information with the federal bureau of
36 investigation for federal criminal history record checks.

37 H. The department of public safety shall complete all of the required
38 qualification checks within sixty days after receipt of the application and
39 shall issue a permit within fifteen working days after completing the
40 qualification checks if the applicant meets all of the conditions specified
41 in subsection E of this section. If a permit is denied, the department of
42 public safety shall notify the applicant in writing within fifteen working
43 days after the completion of all of the required qualification checks and
44 shall state the reasons why the application was denied. On receipt of the
45 notification of the denial, the applicant has twenty days to submit any

1 additional documentation to the department. On receipt of the additional
2 documentation, the department shall reconsider its decision and inform the
3 applicant within twenty days of the result of the reconsideration. If
4 denied, the applicant shall be informed that the applicant may request a
5 hearing pursuant to title 41, chapter 6, article 10.

6 I. On issuance, a permit is valid for five years, except a permit that
7 is held by a member of the United States armed forces, including a member of
8 the Arizona national guard or a member of the reserves of any military
9 establishment of the United States, who is on federal active duty and who is
10 deployed overseas shall be extended until ninety days after the end of the
11 member's overseas deployment.

12 J. The department of public safety shall maintain a computerized
13 permit record system that is accessible to criminal justice agencies for the
14 purpose of confirming the permit status of any person who claims to hold a
15 valid permit issued by this state. This information and any other records
16 that are maintained regarding applicants, permit holders or instructors shall
17 not be available to any other person or entity except on an order from a
18 state or federal court.

19 K. Notwithstanding subsection J of this section, it is a defense to
20 any charge for carrying a deadly weapon without a permit by a member of the
21 United States armed forces, including a member of the Arizona national guard
22 or a member of the reserves of any military establishment of the United
23 States, if the member was on federal active duty at the time the permit
24 expired and the member presents documentation indicating release from active
25 duty or reassignment from overseas deployment within the preceding ninety
26 days.

27 L. A permit issued pursuant to this section is renewable every five
28 years. Before a permit may be renewed, a criminal history records check
29 shall be conducted pursuant to section 41-1750 within sixty days after
30 receipt of the application for renewal. For the purposes of permit renewal,
31 the permit holder is not required to submit additional fingerprints.

32 M. Applications for renewal shall be accompanied by a fee determined
33 by the director of the department of public safety.

34 N. The department of public safety shall suspend or revoke a permit
35 issued under this section if the permit holder becomes ineligible pursuant to
36 subsection E of this section. The department of public safety shall notify
37 the permit holder in writing within fifteen working days after the revocation
38 or suspension and shall state the reasons for the revocation or suspension.

39 O. An organization shall apply to the department of public safety for
40 authorization to provide firearms safety training. The department shall
41 authorize an organization to provide firearms safety training if the training
42 meets the following requirements:

- 43 1. Is at least eight hours in length.
- 44 2. Is conducted on a pass or fail basis.

1 3. Addresses all of the following topics in a format approved by the
2 director of the department:

- 3 (a) Legal issues relating to the use of deadly force.
- 4 (b) Weapon care and maintenance.
- 5 (c) Mental conditioning for the use of deadly force.
- 6 (d) Safe handling and storage of weapons.
- 7 (e) Marksmanship.
- 8 (f) Judgmental shooting.

9 4. Is conducted by instructors who are authorized by the department of
10 public safety or who possess current national rifle association instructor
11 certifications in pistol and personal protection and who submit to a
12 background investigation, including a check for warrants and a criminal
13 history records check.

14 P. If authorized pursuant to subsection 0 of this section, the
15 organization on behalf of each of its instructors shall submit to the
16 department of public safety two sets of fingerprints and a fee to be
17 determined by the director of the department of public safety. On receipt of
18 the fingerprints and fee, the department of public safety shall conduct a
19 check of each instructor's criminal history record pursuant to section
20 41-1750. The department of public safety may exchange this fingerprint card
21 information with the federal bureau of investigation for federal criminal
22 history record checks.

23 Q. The proprietary interest of all authorized instructors and programs
24 shall be safeguarded, and the contents of any training program shall not be
25 disclosed to any person or entity other than a bona fide criminal justice
26 agency, except on an order from a state or federal court.

27 R. If the department of public safety rejects a program, the rejected
28 organization may request a hearing pursuant to title 41, chapter 6,
29 article 10.

30 S. The department of public safety shall maintain information
31 comparing the number of permits requested, the number of permits issued and
32 the number of permits denied. The department shall annually report this
33 information to the governor and the legislature.

34 T. The director of the department of public safety shall adopt rules
35 for the purpose of implementing and administering the concealed weapons
36 permit program including fees relating to permits and certificates that are
37 issued pursuant to this section.

38 U. This state and any political subdivision of this state shall
39 recognize a concealed weapon, firearm or handgun permit or license that is
40 issued by another state or a political subdivision of another state if both:

- 41 1. The permit or license is recognized as valid in the issuing state.
- 42 2. The permit or license holder is all of the following:
 - 43 (a) Not a resident of this state.
 - 44 (b) Legally present in this state.
 - 45 (c) Not legally prohibited from possessing a firearm in this state.

V. For the purpose of establishing mutual permit or license recognition with other states, the department of public safety shall enter into a written agreement if another state requires a written agreement.

W. Notwithstanding the provisions of this section, a person with a concealed weapons permit from another state may not carry a concealed weapon in this state if the person is under twenty-one years of age or is under indictment for, or has been convicted of, a felony offense in any jurisdiction, unless the person's rights have been restored and the conviction is expunged, set aside or vacated and the applicant is currently not a prohibited possessor under state or federal law.

X. The department of public safety may issue certificates of firearms proficiency according to the Arizona peace officer standards and training board firearms qualification for the purposes of implementing the law enforcement officers safety act of 2004 (P.L. 108-277; 118 Stat. 865; 18 United States Code sections 926B and 926C). A law enforcement agency shall issue to a law enforcement officer who has honorably retired a photographic identification that states that the officer has honorably retired from the agency. The chief law enforcement officer shall determine whether an officer has honorably retired and the determination is not subject to review. A law enforcement agency has no obligation to revoke, alter or modify the honorable discharge photographic identification based on conduct that the agency becomes aware of or that occurs after the officer has separated from the agency.

Y. THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT REQUIRE A PERSON TO COMPLETE THE FIREARMS SAFETY TRAINING COURSE REQUIRED BY SUBSECTION E, PARAGRAPH 6 OF THIS SECTION IF ALL OF THE FOLLOWING APPLY:

1. THE PERSON SUCCESSFULLY COMPLETES A THREE HOUR TRAINING COURSE ON A PASS OR FAIL BASIS.

2. THE TRAINING COURSE ADDRESSES THE LEGAL ISSUES RELATING TO THE USE OF DEADLY FORCE AS PRESCRIBED BY SUBSECTION O, PARAGRAPH 3, SUBDIVISION (a) OF THIS SECTION.

3. THE PERSON PROVIDES SATISFACTORY PROOF OF ANY OF THE FOLLOWING:

(a) COMPLETION OF ANY NATIONAL RIFLE ASSOCIATION PISTOL COURSE.

(b) COMPLETION OF ANY PISTOL RELATED FIREARMS SAFETY OR TRAINING COURSE OR CLASS THAT IS AT LEAST EIGHT HOURS IN LENGTH, IS AVAILABLE TO THE GENERAL PUBLIC AND IS OFFERED BY LAW ENFORCEMENT, A JUNIOR COLLEGE, A COLLEGE OR A PRIVATE OR PUBLIC INSTITUTION OR ORGANIZATION OR A FIREARMS TRAINING SCHOOL, INSTITUTE OR ACADEMY LOCATED IN THE UNITED STATES.

(c) COMPLETION OF ANY LAW ENFORCEMENT FIREARMS SAFETY OR TRAINING COURSE OR CLASS OFFERED FOR SECURITY GUARDS, INVESTIGATORS, SPECIAL DEPUTIES OR ANY DIVISION OR SUBDIVISION OF LAW ENFORCEMENT OR SECURITY ENFORCEMENT.

(d) CURRENT MILITARY SERVICE OR AN HONORABLE DISCHARGE FROM ANY BRANCH OF THE ARMED SERVICES.

1 (e) PARTICIPATION IN AN ORGANIZED SHOOTING COMPETITION THAT INCLUDES A
2 CERTIFICATE OR DOCUMENT FROM A NATIONALLY OR LOCALLY RECOGNIZED COMPETITIVE
3 SHOOTING ORGANIZATION. THE CERTIFICATE SHALL PROVIDE EVIDENCE THAT THE
4 PERSON HOLDS A COMPETITIVE RANKING OR RATING IN THE ORGANIZATION AND
5 DEMONSTRATES FIREARMS PROFICIENCY AT OR ABOVE THE CURRENT STANDARDS AS
6 DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY.

7 (f) POSSESSION OF A VALID CONCEALED WEAPONS PERMIT, FIREARM OR HANDGUN
8 PERMIT OR LICENSE THAT IS ISSUED BY ANOTHER STATE OR A POLITICAL SUBDIVISION
9 OF ANOTHER STATE IF THERE WAS A TRAINING OR TESTING REQUIREMENT TO INITIALLY
10 RECEIVE THE PERMIT OR LICENSE.

11 (g) COMPLETION OF ANY LAW ENFORCEMENT AGENCY FIREARMS TRAINING COURSE
12 THAT QUALIFIES THE PERSON TO CARRY A FIREARM IN THE COURSE OF OFFICIAL POLICE
13 DUTIES.

14 (h) COMPLETION OF ANY OTHER FIREARMS TRAINING COURSE THAT IS APPROVED
15 BY THE DEPARTMENT OF PUBLIC SAFETY.